

**Federal Communications Commission**

---

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Alabama Regional Communications System	)	File No.: EB-FIELDSCR-13-00009291
Licensee of Station WQIJ585	)	
Jacksonville, AL	)	NOV No.: V201332480020
	)	
Licensee of Station WQCL804	)	
Jacksonville, AL	)	

**NOTICE OF VIOLATION**

**Released: July 1, 2013**

By the District Director, Atlanta Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)<sup>1</sup> to Alabama Regional Communications System (Alabama Comm), licensee of radio stations WQIJ585 and WQCL804 in Jacksonville, Alabama. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.<sup>2</sup>

2. On June 4, 2013, an agent of the Enforcement Bureau's Atlanta Office observed the following violation(s):

- a. 47 C.F.R. § 1.903(a): "Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission..." Alabama Comm admitted it was operating on the frequency 856.7625/852.2725 MHz with a digital emission of 8K10D1W/8K10F1E. Stations WQIJ585 and WQCL804 are only authorized to operate with an analog emission of 20K0F1E/20K0F3E.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>3</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Alabama Comm must submit a written statement concerning this matter within

---

<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

<sup>3</sup> 47 U.S.C. § 308(b).

## Federal Communications Commission

---

twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>4</sup>

4. In accordance with Section 1.16 of the Rules, we direct Alabama Comm to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Alabama Comm with personal knowledge of the representations provided in Alabama Comm's response, verifying the truth and accuracy of the information therein,<sup>5</sup> and confirming that all of the information requested by this Notice which is in the Alabama Comm's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>6</sup>

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
Atlanta Office  
3575 Koger Blvd, Ste 320  
Duluth, GA 30096

6. This Notice shall be sent to Alabama Comm at its address of record.

---

<sup>4</sup> 47 C.F.R. § 1.89(c).

<sup>5</sup> Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

<sup>6</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

**Federal Communications Commission**

---

7. The Privacy Act of 1974<sup>7</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Douglas Miller  
District Director  
Atlanta District Office  
South Central Region  
Enforcement Bureau

---

<sup>7</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).